

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

CHAD CHRISTOPHER STARK

CRIMINAL ACTION NO.
1:22-CR-00018-JPB-CMS-1

MOTION TO SUPPRESS STATEMENTS

COMES NOW, the Defendant, CHAD CHRISTOPHER STARK ("Mr. Stark"), by and through counsel, and files this motion to suppress statements.

(1)

On January 18, 2022, Mr. Stark was indicted for knowingly communicating a threat to injure another person in interstate commerce in violation of 18 U.S.C. § 875(c). [Doc. 10].

(2)

On January 21, 2022, Mr. Stark was arrested in the Western District of Texas. That same day, he made his initial appearance in district court in Austin, Texas and was released on bond. [Doc. 11].

(3)

On February 4, 2022, Mr. Stark was arraigned in the Northern District of Georgia by video proceedings. He pled not guilty.

(4)

Following the production of discovery, the pretrial motions deadline was set for March 25, 2022.

(5)

Mr. Stark was questioned by law enforcement on two occasions, first on January 5, 2021, and then on January 21, 2022. On both occasions, Mr. Stark made statements relating to the charges, including statements which were the product of custodial interrogation following his arrest.

(6)

In order for the government to use any statements attributed to Mr. Stark, it must first prove that the statements were not procured in violation of *Miranda* and that the statements were otherwise voluntarily made. *Miranda v. Arizona*, 384 U.S. 436-468, 69 (1966); *Jackson v. Denno*, 378 U.S. 368, 376-377 (1984); *Beckwith v. United States*, 425 U.S. 341, 347-48 (1976).

WHEREFORE, Mr. Stark requests:

- (a) that the Court issue an order setting this matter down for a pre-trial hearing at which time the government should be required to show cause why the relief sought by the Defendant should not be granted;
- (b) that the Defendant be permitted to supplement this motion if necessary;

(c) that the Court allow additional briefing on this issue following the hearing of evidence on this matter;

(d) that the Court issue an order suppressing all unconstitutionally obtained statements and any poisonous fruit and any reference thereto in the event this case goes to trial; and

(e) that the Court grant such other relief as may be just under the circumstances of this case.

This 25th day of March, 2022.

Respectfully Submitted,

/s/ Thomas L. Hawker
THOMAS L. HAWKER
Georgia Bar No. 338670
Attorney for Chad Christopher Stark